

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

KIRK MANUEL

PLAINTIFF

v.

No. 2:12-cv-35-DPM

MDOW INSURANCE COMPANY

DEFENDANT

ORDER

The Court appreciates the brevity of the parties' papers on MDOW's motion to dismiss. MDOW is correct: Manuel's general and conclusory allegations about bad faith in the coverage denial, *Document No. 2-1, at 1-2*, are too thin to support a bad-faith claim under Arkansas law. *Aetna Casualty and Surety Co. v. Broadway Arms Corp.*, 281 Ark. 128, 133-34, 664 S.W.2d 463, 465 (1984). If discovery reveals facts tending to show that MDOW acted dishonestly, maliciously, oppressively, or vengefully in investigating Manuel's claim or denying coverage, *ibid.*, then Manuel should propose an amended pleading alleging those specific facts. Motion, *Document No. 5*, granted. The bad-faith claim is dismissed without prejudice.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

27 April 2012